

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,
v.
Plaintiff-Applicant,
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,
Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION
(Substantively Consolidated)

In re:
BERNARD L. MADOFF,
v.
Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04350 (SMB)

Plaintiff,
v.
SOUTH FERRY #2, et al.,
Defendants.

AGREED AMENDMENT TO THE JOINT STIPULATION OF UNDISPUTED FACTS

Plaintiff Irving H. Picard (the “Trustee”), the trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the substantively consolidated estate of Bernard L. Madoff (“Madoff”), and defendants South Ferry #2, Emanuel Gettinger, Aaron Wolfson, and Abraham Wolfson (“South Ferry,” and together with the Trustee, the “Parties”) hereby submit this Agreed Amendment to the Joint Statement of Undisputed Material Facts in connection with their forthcoming motions for summary judgment pursuant to the Stipulation for Entry of Scheduling Order (“Scheduling Order”) entered by this Court on January 27, 2017 (ECF No. 86) and Federal Rule of Civil Procedure 56 (made applicable by Federal Rule of Bankruptcy Procedure 7056).

The Parties agree that paragraphs 43 and 45 of the Joint Statement of Undisputed Facts should be amended and replaced to read as follows:

43. Mr. Behnke concluded that South Ferry's model portfolio would have returned \$5,431,224. The expert calculated that the amount received by South Ferry that is in excess of the expert's model is \$16,523,776.

45. The expert concluded that South Ferry's rescission claim would have yielded an interest component of \$12,077,605. The expert calculated that the amount received by South Ferry that is in excess of the interest component is \$9,877,395.

Dated: July 20, 2017
Washington, DC

By:/s/ Keith R. Murphy
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SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

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Company, South Ferry #2, Emanuel Gettinger,
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Congregations Mesora*

Dated: July 20, 2017
New York, New York

IT IS SO ORDERED.

/s/ STUART M. BERNSTEIN
STUART M. BERNSTEIN
United States Bankruptcy Judge